

Fort Monmouth Economic Revitalization Authority
Board Meeting
September 19, 2012
Tinton Falls Municipal Building, Tinton Falls, New Jersey

MINUTES OF THE MEETING

I. Members of the Authority present:

- James V. Gorman, Chairman, Fort Monmouth Economic Revitalization Authority (FMERA) - **V**
- Caren Franzini, CEO, New Jersey Economic Development Authority (NJEDA) - **V**
- Brett Tanzman, Assistant Counsel, Authorities Unit, Office of the Governor - **V**
- Dr. Robert Lucky, Public Member – **V**
- Robert Ades, Public Member – **V**
- John Tobia, Director of Public Works, Monmouth County – **V**
- Gerald Tarantolo, Mayor of Eatontown - **V**
- Michael Skudera, Mayor of Tinton Falls - **V**
- Michael Mahon, Mayor of Oceanport - **V**
- Charles Richman, Assistant Commissioner, NJ Department of Community Affairs (DCA)
- Kenneth J. Kloo, Director, Site Remediation Program, NJ Department of Environmental Protection (DEP)
- Mary Ellen Clark, Assistant Commissioner, NJ Department of Labor and Workforce Development (LWD)

Members of the Authority not present:

- Jonathan Lowy, Director of Community and Constituent Relations, NJ Department of Transportation (DOT)

V- Denotes Voting Member

Also present:

- Bruce Steadman, Executive Director, FMERA
- Gabriel Chacon, Deputy Attorney General (DAG)
- FMERA staff

II

The meeting was called to order by Chairman James V. Gorman at 7:02p.m. who led the meeting in the Pledge of Allegiance.

In accordance with the Open Public Meetings Act, FMERA Executive Director and Secretary, Bruce Steadman announced that notice of this meeting has been sent to the Asbury Park Press and the Star Ledger at least 48 hours prior to the meeting, that a meeting notice has been duly posted on the Secretary of State's bulletin board at the State House, and the FMERA and the NJEDA websites.

The first item of business was the approval of the August 15, 2012 meeting minutes. A motion was made to approve the minutes by Mayor Mahon, and seconded by Mayor Tarantolo.

Motion to Approve: MAYOR MAHON Second: MAYOR TARANTOLO
AYes 8

John Tobia was not yet present.

Mayor Tarantolo noted that the August 15th Board resolutions were not attached to the minutes. Chairman Gorman instructed Bruce Steadman to attach the resolutions to the approved minutes.

III. WELCOME

Chairman James V. Gorman welcomed attendees to FMERA's Annual Board Meeting. Mr. Gorman stated that the meeting marks the second anniversary of the activation of the Authority and the commencement of its operations. Mr. Gorman stated that at the Annual Meeting there are board actions which include the election of the Vice-Chair, the appointment of the Staff Advisory Committee Chairs, the Secretary, the Treasury and Assistant Secretaries. Mr. Gorman stated that the board materials were available to the public at the meeting.

Mr. Gorman stated that the Board would also consider for approval the Staff Advisory Committee Membership Criteria, the Notice of Interest (NOI) Evaluation Process by which the Authority will determine which of the numerous requests for properties from public entities will be evaluated, the Request for Qualifications (RFQ) for Appraisal Services, the Request for Purchase (RFP) and Purchase-Sale Agreement with AcuteCare Health System for the Clinic Parcel, and the Planning, Engineering, Architectural and Environmental Service Contract Amendment.

Mr. Gorman stated that on a personal note and of equal importance, the Board sadly bids farewell to Caren Franzini, CEO of the New Jersey Economic Development Authority (NJEDA) who has been a key contributor to the Board and a major contributor to the early success of FMERA. Mr. Gorman stated that he speaks for everyone when he says that Caren will be missed and the Board wishes her well in her future endeavors.

The Chairman went on to state that there will be two comment periods at the meeting. The first comment period is for agenda items only and the Chairman asked for the public's cooperation in keeping their comments as brief as possible. The Chairman explained that the second public comment period is towards the end of the meeting agenda and is open to the full range of FMERA business. The Chairman reiterated his request for the public's cooperation in keeping comments as brief as possible. The Chairman continued by stating that in his role as Chairman he is required to conduct an orderly meeting and complete the meeting agenda in a reasonable time period. The Chairman concluded by stating that FMERA continues to welcome the public's constructive comments and ideas.

IV. SECRETARY'S REPORT

Bruce Steadman stated that the annual appointment of the Secretary and Treasurer of FMERA has been completed by Chairman James V. Gorman. Mr. Steadman stated that Bruce Steadman has been reappointed as Secretary and Beverlee Akerblom has been reappointed as Treasurer.

Mr. Steadman stated that Chairman Gorman has completed the appointment of the Real Estate Committee members as follows: Freeholder Lillian Burry, Mayor Michael Mahon, Dr. Robert Lucky, and James V. Gorman who will also serve as Chair for the Committee; and the appointment of the

Audit Committee as follows: James V. Gorman, Al Koepp, and Robert Ades who will serve as Chair for the Committee.

Mr. Steadman further stated that Chairman Gorman has approved the Chairperson for the following Staff Advisory Committees:

- Veterans Staff Advisory Committee – Lillian Burry
- Housing Staff Advisory Committee – Charles Richman
- Environmental Staff Advisory Committee – Kenneth J. Kloo
- Historical Staff Advisory Committee – Robert Ades

Mr. Steadman stated that the board action, Consideration of Approval of Sub-Lease of Motor Pool from FMERA to Monmouth County has been removed from the agenda, but will be considered for approval at the October meeting.

Mr. Steadman stated that the Open Public Meetings Act provides exceptions to public session for certain matters, such as ongoing real estate negotiations, litigation strategy, attorney-client confidential information, or personnel matters. For this reason, from time to time, the Board goes into Executive Session for these matters.

In compliance with New Jersey's Open Public Meetings Act, the Board first adopts a resolution at its public meeting indicating what matters will be discussed in Executive Session and when the minutes of the Executive Session will be disclosed to the public.

Many items remain sensitive or unresolved and therefore cannot be made public at this time; however, after a review by staff, several items have been resolved and are no longer considered confidential.

Staff will continue to review executive session items on an annual basis and present an update to the Board at its annual meeting each September, which will include a list of matters no longer deemed confidential. As is the current practice, if a request is made for information on an Executive Session item in the interim, staff, in consultation with the Attorney General's Office, will review the request to determine if the item can be made public at that time.

V. TREASURER'S REPORT

Beverlee Akerblom, Director of Finance and Administration, stated that the Authority's grant amendment request for additional funds for the grant scheduled to end June 30, 2013 has been approved by the Office of Economic Adjustment. Ms. Akerblom further stated that the Planning, Engineering & Architectural tasks of the Matrix contract are complete, and that the FMERA staff, with the assistance of the Fort Monmouth Caretaker Force, was able to bring the contract in at its original contracted price. Accordingly the \$40,330 in additional fees approved at the March 2012 Board Meeting, will not be expended.

Ms. Akerblom stated that due to the status of the Authority's ongoing projects and the need to maintain continuity in the provision of environmental consulting services, the extension of this contract's Environmental Consultant Services component, for a period of up to 12 months not to exceed \$120,000, is a Board action item on the agenda.

Ms. Akerblom stated that the budget process for 2013 is underway and in the coming weeks, the FMERA Management Team will hold budget sessions. The draft 2013 FMERA budget will then be forwarded to the Audit Committee for its review. The 2013 FMERA Budget is scheduled to be brought before the Board at the December Authority Meeting.

Ms. Akerblom concluded her report by stating that spending continues to be strictly monitored.

John Tobia arrived at 7:15p.m.

VI. PUBLIC COMMENT REGARDING AGENDA ITEMS

Robert Larson of Eatontown stated that he is concerned about the Motor Pool, as the property borders his property on Rose Court. Mr. Larson stated that he is concerned about the truck traffic, noise and his property value.

Heather Stafford of Middletown read a letter from Cindy Zipf, Executive Director of Clean Ocean Action. The letter is attached hereto.

Lynn Hanson of Eatontown asked if the Sub-lease of the Motor Pool would be discussed at the meeting and was answered no.

Tom Mahedy of Wall Township stated that he has been involved with the Fort project for six years and that he is a member of the Environmental Staff Advisory Committee. Mr. Mahedy stated that the new mission of Fort Monmouth should relate to a green economy and sustainability and that the Fort should not be privatized but used for public common good. Mr. Mahedy stated the greatest good at the Fort can happen and it should not relate to jobs, but making a living. Mr. Mahedy stated that the Board could bring forth a different vision for the Fort that does require a shift in thinking and looking from the heart. Mr. Mahedy stated that the Board is of good will and these are times that we need to think outside the box.

Mayor Tarantolo stated that he has received complaints regarding Howard Commons from the Board of Education, a nearby apartment complex and Eatontown Code Enforcement and that it is the obligation of the Army Caretaker Unit to maintain the property.

Mr. Steadman stated that FMERA would work with the Army Caretaker Unit regarding the condition of the Howard Commons area.

VII. EXECUTIVE DIRECTOR'S REPORT

Dave Nuse, Director of Real Estate Development, stated that FMERA and the Army have initiated preliminary discussions on the terms and conditions of the future transfer of the Fort's Phase 2 properties, which comprise the balance of the Main Post under the Phase 2 Memorandum of Agreement (MOA). Mr. Nuse stated that FMERA is hopeful of negotiating an overall deal structure, submitting an Economic Development Conveyance application and executing an Agreement with the Army for Phase 2 by mid-2013. In furtherance of this effort members of the FMERA staff will be discussing the Phase 2 plans with the Army beginning next week, and meeting with U.S. Army representatives on Phase 2 in October.

Dave Nuse stated that the Board of Directors approved the transmittal of proposed plan amendment #2 to the host municipalities at the August 15, 2012 meeting of the Authority. The 45 day review period began on Thursday, September 6, 2012 and will end on Monday, October 22, 2012. Mr. Nuse stated that each host municipality may provide FMERA with a report with comments on the proposed plan amendment within the 45 day review period. The municipalities will determine how to gather any such comments, and members of the public should provide their comments directly to the host municipalities.

Mr. Nuse stated that the proposed plan amendment #2 to the Fort Monmouth Reuse and Redevelopment Plan would allow, as an alternative, the incorporation of the 80,000 sf wellness campus envisioned in the Reuse Plan into the reused former Patterson Army Health Clinic while maintaining the same housing units and types within Oceanport. The Clinic was slated to be demolished in the Reuse and Redevelopment Plan. However, the Plan also recommended that additional analysis of the Clinic building's reuse potential should be explored.

Rick Harrison, Director of Facilities Planning, stated that The Board of Directors approved a lease with the U.S. Army for the former Post Library building at the July meeting of the Authority. FMERA executed the lease on August 7, 2012. Construction to retrofit the Library into professional administrative space for use by the FMERA staff has begun. FMERA anticipates occupying the space in the winter of 2013. There will be a plan to ensure public access to the FMERA office.

Mr. Harrison stated that at the August 15, 2012 meeting of the Authority the Board of Directors approved a lease for temporary office space at 15 Christopher Way, Eatontown for a term of 5 months, with a 1 month extension option. The FMERA real estate and marketing staff will occupy the temporary office space beginning on September 20, 2012 and remain there until the new office space in the former Post Library building is completed. The remainder of the FMERA staff will temporarily occupy office space on the former Fort property in the Army's Caretaker Office at no cost. For the next several months, members of the public should feel free to contact FMERA staff using the same telephone numbers and e-mail addresses as always, and face-to-face at the Christopher Way location.

Rick Harrison stated that the contract for construction of the Garden State Parkway Interchange 105 intersection improvement is expected to be awarded in January, with construction to start in February 2013. Construction of the Southbound ramps is expected to be awarded this spring with construction to start in May 2013. Mr. Harrison stated that FMERA has a meeting with New Jersey Turnpike Authority (NJTA) on September 24th.

Mayor Tarantolo asked if the NJTA will be conducting a public meeting on Garden State Parkway Interchange 105. Rick Harrison stated that he would follow up with the NJTA and report back to Mayor Tarantolo.

Katie Hodes, Program Officer and FMERA Small Business Facilitator, stated that FMERA has heard from approximately 20 small businesses, ranging from food service to light manufacturing companies, interested in locating at the former Fort Monmouth property. Ms. Hodes stated that FMERA is actively setting up introductory meetings with interested businesses and is formalizing a small business strategy in partnership with the NJEDA and other state and local agencies. Interested small businesses should continue to feel free to reach out to the FMERA office.

Ms. Hodes stated that it is FMERA's goal to find ways to support the FMERA mission, and make sure that small businesses participate, to the extent possible, in creating jobs and amenities needed for the successful redevelopment of the Fort property.

Mr. Steadman read a statement regarding the Motor Pool which is attached hereto.

Mayor Mahon stated that the Motor Pool borders two municipalities and the traffic impact around the area needs to be addressed with the County. Mayor Mahon stated that the location of the Radio Tower is of concern to Oceanport Borough residents.

Mayor Mahon asked to be included in all meetings regarding the County and the Boroughs.

Mr. Steadman introduced Liz Leheny of Phillips, Preiss, Grygiel (PPG) for a presentation regarding the Draft Land Use Regulations and Development and Design Guidelines. The presentation is attached hereto.

Mayor Tarantolo stated that he is very pleased with the interaction between PPG and Eatontown Borough's Planning Professionals.

Mayor Mahon stated that the designation of the Historical District is a key area for preservation and the plans for the area need to be finalized and brought back to the Committees for discussion.

Mr. Steadman stated that there was a conference call with FMERA, outside counsel, PPG and the District Attorney General's (DAG) office regarding the Land Use Regulations and there will be another meeting which will include the host municipalities.

Mr. Steadman concluded by stating FMERA's action items for the coming months:

- Continued work with Matrix Design Group and the N.J. Department of Environmental Protection to identify and resolve environmental issues of concern
- FMERA anticipates issuing Requests for Offer to Purchase (RFOTP) for Parcel C (mixed use), C-1 (housing), Golf Course (golf course and related uses), Howard Commons (housing) and Parcel B (retail and other uses) in the fall
- Continued work with Army regarding Eatontown's concerns about Howard Commons
- Continued meetings and tours with interested prospective employers and investors
- Continued outreach to our stakeholders
- Continued collaboration with our Trenton office on marketing and business development opportunities

Mr. Steadman thanked Mayor Tarantolo and John Tobia and all the attendees of the Motor Pool meeting on September 13th for a good and productive meeting, and in particular, thanked Mayor Tarantolo and Mr. Tobia for the leadership they displayed in making sure the September 13th meeting was productive and positive. Mr. Steadman stated that he is looking forward to the next set of meetings.

COMMITTEE REPORTS

a) AUDIT COMMITTEE (MICHAEL MAHON, ACTING CHAIRMAN):

Mayor Mahon stated that the Committee did not meet this month and a new date will be set by the new Committee Chair.

b) REAL ESTATE COMMITTEE (JAMES V. GORMAN, ACTING CHAIRMAN):

Chairman Gorman noted that the Committee met on September 10th at the FMERA Office. Mr. Gorman stated that the Committee discussed the comments from Oceanport, Eatontown and the County of Monmouth on the proposed draft land use regulations.

Mr. Gorman stated that the Committee was presented with the proposed Notice of Interest (NOI) evaluation process. FMERA staff proposes an NOI Evaluation Process that considers seven (7) weighted criteria and the proposed NOI use in determining what, if any, discount would be applied to a fair-market appraisal of the NOI property's value, in establishing the compensation paid to FMERA.

Mr. Gorman stated that the Committee discussed the sub-lease of the Motor Pool and that work continues on the matter.

Mr. Gorman stated that the Committee was provided with an update on the Request for Qualifications for Appraisal Services. FMERA staff recommended approval of the five highest scoring appraisal firms. These firms will be eligible to respond to the Authority requests for quotes to perform appraisal services on an as needed basis.

Mr. Gorman stated that the Committee was provided with an update on the AcuteCare purchase-sale agreement for the Clinic Parcel.

Mr. Gorman stated that the Committee was presented with the proposed contract amendment for environmental consulting with the Matrix Design Group for Phase 2. The contract amendment incorporates the total fee associated with this additional one-year extension, which is "not to exceed" \$120,000 for 12 months and has been approved in the current budget, and other previously approved budgeted amounts.

Mr. Gorman stated that the Committee received an update on the potential lease of Building 2525 to a federal agency. Mr. Gorman stated that FMERA is currently in contention for this job growth opportunity.

Mr. Gorman stated that the Committee received an update from Katie Hodes, the Small Business Facilitator.

Mr. Gorman stated that the Committee received an update on the proposed Staff Advisory Committee criteria. The members of the Real Estate Committee were supportive of the standardized criteria.

Mr. Gorman stated that he requested an update on Garden State Parkway Interchange 105.

c) ENVIRONMENTAL STAFF ADVISORY COMMITTEE (KENNETH J. KLOO, NJDEP):

Kenneth J. Kloo stated that the Committee met on September 12th at the FMERA Office. Mr. Kloo stated that the Committee was provided with an update on the Baseline Ecological Evaluation (BEE). The document has been reviewed and accepted by the NJ Department of Environmental Protection (NJDEP) and that all comments and concerns have been adequately addressed and answered by the Army.

Mr. Kloo stated that the Committee discussed the Clinic Parcel Finding of Suitability to Transfer (FOST) and the transfer of the parcel will consist of 15.5 acres and the remaining 0.5 of an acre will be transferred at a later date. The 0.5 acre carve-out relates to an off-site environmental issue.

Mr. Kloo stated that the Committee discussed the Finding Of Suitability to Lease (FOSL) for the Teen Center and the Swimming Pool. The Committee was advised that the NJDEP's review of the FOSL was complete. The NJDEP has two minor comments on the Teen Center and Swimming Pool FOSL regarding a former septic tank(s) related to the former Watson Lab site. Mr. Kloo stated that the actual septic tanks themselves will need further evaluation, and that the leach fields have been cleared.

The Committee then discussed the follow-up items from the previous meeting, including the investigation of heating oil tanks on Parcel 76. The Committee asked Matrix Design Group to do a cursory review of the Watson Labs area and its relation to Parcel C-1. Mr. Kloo reported that a contract has been awarded by the Army for landfill investigation and work should begin by the end of the month. The Committee asked if the test wells around the landfills will remain and was answered that yes some will be required to stay for long-term monitoring and that the closure plan for landfills must be approved by the NJDEP. Mr. Kloo stated that Matrix will provide a summary of the landfill on Parcel F to the Committee at the next meeting.

The Committee then discussed the possible sub-lease of the Motor Pool from FMERA to Monmouth County. Committee members expressed the concern of some of the residents of Eatontown and Oceanport.

Mr. Kloo stated that the Committee discussed the new proposed Staff Advisory Committee membership criteria. The criteria were developed to ensure that FMERA has a knowledgeable and balanced membership, capable of providing timely and sound advice to the FMERA staff regarding the subject matter of the Committee.

Mayor Tarantolo stated that a FOSL was completed on the Motor Pool in December 2011 and it was rated as a Category 2. Mayor Tarantolo asked for clarification on a Category 2 as it relates to a FOSL.

Mr. Kloo stated that a Category 2 pertains to an area where only petroleum hydrocarbons had been detected.

Mr. Steadman stated that a Category 2 also states that the investigation is not complete.

Mayor Tarantolo asked about the procedure for the testing wells on the Parcel. Mr. Kloo stated that the wells are used by the Army to demonstrate that their remedy is effective and the monitoring is ongoing.

Mr. Gorman stated that it is the NJDEP decision, not the Army's, as to when the clean-up of a parcel is complete.

d) HISTORICAL PRESERVATION STAFF ADVISORY COMMITTEE (ROBERT ADES):

Mr. Ades noted that the Committee did not meet this month. Mr. Ades stated that the Committee will not meet until there are projects that relate to the Historical District, most likely after the Phase 2 negotiations with the Army have been completed.

e) HOUSING STAFF ADVISORY COMMITTEE (CHARLES RICHMAN, DCA):

Mr. Richman stated the Committee met on September 13th at the FMERA Office and received a presentation from PPG regarding the draft land use regulations. The Committee discussed the issues related to types of housing which will be offered in redevelopment projects, i.e., for sale or rent.

Mr. Richman stated that the Committee discussed the proposed design guidelines as being relatively non-restrictive regarding architectural requirements, as opposed to having a more defined and restrictive process. Some members of the Committee were concerned that this may lead to the redevelopment of the Fort in ways that would allow multiple types of architectural styles and that these architectural styles would not be consistent from one end of the former Fort to the other. The Committee agreed that the Fort should be redeveloped as a destination.

Mr. Richman stated that the Committee discussed the land use regulations and how they relate to the Municipal Land Use Laws (MLUL). Mr. Richman stated that the development process at the Fort should be consistent with the MLUL.

f) VETERANS STAFF ADVISORY COMMITTEE (FREEHOLDER LILLIAN BURRY):

John Tobia provided the Veterans Committee report on Lillian Burry's behalf. Mr. Tobia stated that there has been a ground swell of support for Veterans projects on the Fort property, and that Ms. Burry noted her continued support and commitment to a homeless veterans housing project to be located on the former Fort property.

VIII. Board Actions

The next item before the Board was the Election of Vice-Chairperson of the Authority.

Mr. Steadman stated that as Secretary, he received one nomination for Vice-Chairperson of the FMERA Board of Directors, Robert Ades. Mr. Steadman asked if there were any other nominations at this time. There being no further nominations, Mr. Steadman called for a vote. The vote was carried unanimously for Mr. Ades as the new Vice-Chairperson of the FMERA Board of Directors.

The next item before the Board was a proclamation for Caren S. Franzini.

Mr. Steadman read the proclamation which is attached hereto.

A motion was made to approve by Mayor Tarantolo and was seconded by Dr. Robert Lucky.

Motion to Approve: MAYOR TARANTOLO Second: DR. ROBERT LUCKY
AYes: 9

Caren Franzini stated that in her ten years of state service, the Fort Monmouth Redevelopment has been both a difficult and rewarding project. Ms. Franzini gave recognition to the Mayors, Freeholder Burry, and Senators Beck and Kyrillos for all of their efforts and vision of the redevelopment. Ms. Franzini stated that the plan is moving forward. Ms. Franzini thanked Chairman Gorman for his leadership and the Board for their support and continued vision.

Mr. Steadman stated the work involved in setting up FMERA was a very difficult task and the redevelopment is a challenging one every day. Mr. Steadman stated that Ms. Franzini has been both accommodating and flexible, as CEO of the NJEDA, and is a very creative thinker, and it takes a very special person with self-confidence to manage in this fashion. Mr. Steadman, on behalf of the FMERA staff, thanked Ms. Franzini and wished her the best.

The next item before the Board was the Consideration of Approval of Organizational Matters

- Meeting Schedule for October 2012 – September 2013
- Assistant Secretaries of the Authority.

Mr. Steadman stated that Rick Harrison, Director of Facilities Planning, Dave Nuse, Director of Real Estate Development and Beverlee Akerblom, Director of Finance and Administration are named Assistant Secretaries.

A motion was made to approve by Mayor Tarantolo and was seconded by Caren Franzini.

Motion to Approve: MAYOR TARANTOLO Second: CAREN FRANZINI
AYes: 9

The next item before the Board was the consideration of approval of Staff Advisory Committee Membership Criteria

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 2.

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

A motion was made to approve by Caren Franzini, and was seconded by Mayor Tarantolo

Mayor Mahon stated that he was pleased that the local municipality representation has been formalized. Mayor Mahon stated that the municipal membership is important to the Committees.

Ms. Franzini stated that with respect to the County and Municipal representation, the public should submit their qualifications to their respective Mayor or the County. The Mayor or the County should submit their nominations to Mr. Steadman in letter form.

Motion to Approve: CAREN FRANZINI Second: MAYOR TARANTOLO
AYes: 9

The next item before the Board was the consideration of approval of the Notice of Interest (NOI) Evaluation Process.

Bruce Steadman read the resolution.

A motion was made to approve by Mayor Mahon, and was seconded by Caren Franzini.

Mayor Skudera requested that the Board table consideration of the NOI Evaluation Process until the October Board Meeting. Mayor Skudera stated that there needs to be a discussion between the three municipalities and the County with FMERA staff regarding the weighting process.

Mayor Mahon stated that the Real Estate Committee requested changes to the weighting for the criterion related to public good, public safety, public education and the services to municipality, to be at least equal to the job creation criterion. Mayor Mahon stated that a majority of the NOI's that are submitted will be from tax exempt and/or municipal end-users, therefore the value to the overall project, job creation, would be minimal.

Mayor Mahon referred the paragraph within the evaluation process checklist "compensation to FMERA will be determined by reducing its appraisal value by a percentage factor equal to 10% of its total weighted score, not to exceed 90% of the parcel's appraised value" stating that this would lead to a deduction in the cost of the property.

Mayor Skudera stated that the parcels are coming from the Army to FMERA at no cost and the host municipalities and the County will be responsible for additional costs.

Bruce Steadman stated that the Army will only transfer property to FMERA at no cost if there is a way to transact something with the NOI requestor that results in a benefit to the redevelopment project.

Mayor Mahon asked if there was any issue of urgency on any parcel that will be impacted if the Board were to postpone consideration of the NOI process until the October meeting.

Bruce Steadman stated that there is a sense of urgency on two parcels but if the three municipalities and the County committed to resolve the issue, it could be postponed one month.

Mr. Gorman stated that each NOI will be a different process dependent on the NOI requestor and asked what would be the benefit of delaying for one month. Mayor Skudera stated that it would be beneficial to each of the towns to obtain a better understanding of the process.

Mayor Tarantolo stated that Phase 1 parcel transfer was determined by a bullet list and now an NOI criteria and weighting process was being formalized; however, Phase 1 is completed.

Bruce Steadman explained that the Phase 1 MOA is completed and the Army has agreed to transfer two properties as no cost EDC's provided they be treated in a manner similar to the NOI process.

Mayor Tarantolo stated that the weighting process are the ground rules for determining the value and that the weighting should be established and adhered to.

Bruce Steadman stated that the intent is to produce a set of criteria that is logical and acceptable to the Army and beneficial to the Community.

Mayor Tarantolo stated that he is not clear on the Phase 1 and Phase 2 evaluation process. Mr. Steadman explained that under Phase 1 there are two parcels (the Teen Center/Swimming Pool parcel and the School parcel) included in the evaluation process.

Bruce Steadman stated that he will conduct a meeting with the three host municipalities and the County to review the process and would bring the recommended approach before the Board in October.

Upon request from Chairman Gorman, Mayor Mahon withdrew his motion and Caren Franzini withdrew her second.

The next item before the Board was the consideration of approval of the Request for Qualifications (RFQ) for Appraisal Services Selections.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 3.

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

A motion was made to approve by Mayor Tarantolo, and was seconded by Mayor Skudera.

Motion to Approve: MAYOR TARANTOLO Second: MAYOR SKUDERA
AYes: 9

The next item before the Board was the consideration of award of RFP and Purchase-Sale Agreement with AcuteCare Health System for Clinic Parcel.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 4.

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

A motion was made to approve by Mayor Tarantolo, and was seconded by Mayor Skudera.

Mayor Tarantolo asked if the purchase-sale agreement will go before the Oceanport Planning Board. Mr. Steadman stated yes, if there is work to be completed on the building once a site plan is developed.

Mayor Tarantolo stated that the Clinic has an ingress and egress onto Main Street, Oceanport and asked if they would be opened when AcuteCare opens. Mr. Steadman stated that short term there are two streets that front onto Main Street that will be included in the parcel boundary and the upkeep of the streets will be the sole responsibility of AcuteCare. The agreement will include the right of FMERA for an easement to take back title to the streets in the future, once Oceanport wishes to make them public streets.

Mayor Mahon thanked the FMERA staff for addressing Oceanport's concerns. Mayor Mahon stated that the condition "determining that the proposed assessment and resulting tax levy are acceptable" is of concern to Oceanport. Dave Nuse stated that as part of the due diligence, AcuteCare would want to consult with Oceanport and ascertain a tax assessment on the property after the execution of the agreement.

Mayor Mahon asked if there were a different assessment on the property, could this lead to AcuteCare withdrawing their contract, and was answered yes.

Caren Franzini asked if the statement in the resolution regarding the final recommendation authorizing the Executive Director to enter into the purchase-sale agreement should be clarified that it is subject to the final approval of plan amendment #2.

DAG Gabriel Chacon explained that the execution of the purchase sale agreement in the way it is proposed, is not conditional on the plan amendment being approved, but that the purchase-sale agreement calls out that the plan amendment must approved upon closing.

Motion to Approve: MAYOR TARANTOLO Second: MAYOR SKUDERA
AYes: 8

Mayor Mahon abstained from voting.

The next item before the Board was the consideration of approval of Planning, Engineering, Architectural and Environmental Service Contract Amendment.

Bruce Steadman read the resolution which is attached hereto and marked Exhibit 5.

Bruce Steadman stated that the Board Memo mirrored the resolution and provided additional backup information.

A motion was made to approve by Mayor Tarantolo, and was seconded by Mayor Skudera.

Motion to Approve: MAYOR TARANTOLO Second: MAYOR SKUDERA
AYes: 9

IX. Other Items

There were no other items for discussion.

X. Public Comment

Richard Fuller of Hazlet stated that he appreciated the Chairman's respectful tone with Mr. Mahedy. Mr. Fuller stated that there was a meeting with the NJDEP and the Army at Gibbs Hall several years ago and the meeting addressed toxic materials on the Fort. Mr. Fuller asked what was done with the toxic materials. Mr. Fuller was told that the meeting was an Army Restoration Advisory Board (RAB) meeting. Rick Harrison stated that he would follow up with the Army regarding Mr. Fuller's request.

Anthony Talerico of Eatontown thanked the Board for delaying the vote on the Motor Pool. Mr. Talerico asked that when a Real Estate Committee member applies a weighting to a particular property within the boundary of their town, do they defer to another Committee member to apply the weighting on their behalf. Mr. Gorman stated that the purpose of the Committee is to provide oversight to the FMERA staff, and not involve itself in the actual day-to-day business, that this is the staff's responsibility. He said that the Committee discussed at length the weighting process.

Mr. Talericio thanked Mayor Skudera for requesting that the NOI board action be tabled.

Roselee Steep of Eatontown stated that she is against the Motor Pool and the Cell Tower as her property is located within the area.

Ed Dlugosz of Eatontown stated that as a member of the Environmental Staff Advisory Committee, he was advised that there would be criteria for members. Mr. Dlugosz stated that it became evident that this was an ulterior motive to remove one committee member. Mr. Dlugosz stated that it is not criteria but an allocation of positions among different organizations.

Cari Dumar of Eatontown stated that Soldier On is a perfect project for Fort Monmouth. Ms. Dumar stated that it is unclear why the County wishes to obtain the Motor Pool and not remain in Tinton Falls. Ms. Dumar stated that the press release regarding the Motor Pool states "eventual" indicating that it does not need to be voted on by the Board.

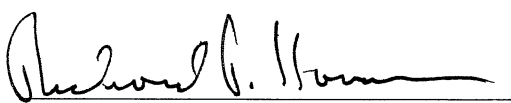
Tom Mahedy of Wall Township thanked the Mayors for their dialogue and democratic sharing. Mr. Mahedy asked for the names of the members of the Real Estate and Audit Committees and stated that according to the N.J. Open Public Meetings Act, the Committees are in violation of the Act. Mr. Mahedy stated that the meetings should be open to the public. DAG Gabriel Chacon clarified for Mr. Mahedy in stating that five voting members is a quorum, according to the FMERA Act, and that the Committees are not in violation of the Open Public Meetings Act.

Mr. Mahedy asked if the meetings can be open to the public. Mr. Gorman answered no and stated that each Committee gives a full report of the Committee meetings at each Board meeting.

Sean Phan of Eatontown stated that the Main Gate on Route 35 should be open to the public and asked what would be the operating hours if the road were open. Mr. Steadman stated that any such plans are still being worked out between FMERA and the County.

There being no further business, on a motion by Mayor Tarantolo seconded by Mayor Skudera and unanimously approved by all voting members the meeting was adjourned at 9:45p.m.

Certification: The foregoing and attachments represent a true and complete summary of the actions taken by the Fort Monmouth Economic Revitalization Authority at its Board Meeting.


Richard Harrison – Assistant Secretary

Participating Organizations

Alliance for a Living Ocean
American Littoral Society
Arthur Kill Coalition
Asbury Park Fishing Club
Bayberry Garden Club
Bayshore Regional Watershed Council
Bayshore Saltwater Flyrodders
Belford Seafood Co-op
Belmar Fishing Club
Beneath The Sea
Bergen Save the Watershed Action Network
Berkeley Shores Homeowners Civic Association
Cape May Environmental Commission
Central Jersey Anglers
Citizens Conservation Council of Ocean County
Clean Air Campaign, NY
Coalition Against Toxics
Coalition for Peace & Justice/Unplug Salem
Coast Alliance
Coastal Jersey Parrot Head Club
Communication Workers of America, Local 1034
Concerned Businesses of COA
Concerned Citizens of Bensenville
Concerned Citizens of COA
Concerned Citizens of Montauk
Concerned Students and Educators of COA
Eastern Monmouth Chamber of Commerce
Fisher's Island Conservancy
Fishermen's Conservation Association, NJ Chapter
Fishermen's Conservation Association, NY Chapter
Fishermen's Dock Cooperative, Pt. Pleasant
Friends of Island Beach State Park
Friends of Liberty State Park, NJ
Friends of the Boardwalk, NY
Garden Club of Englewood
Garden Club of Fair Haven
Garden Club of Long Beach Island
Garden Club of RFD Middletown
Garden Club of Morristown
Garden Club of Navestak
Garden Club of New Jersey
Garden Club of New Verona
Garden Club of Oceanport
Garden Club of Princeton
Garden Club of Rumson
Garden Club of Short Hills
Garden Club of Shrewsbury
Garden Club of Spring Lake
Garden Club of Washington Valley
Great Egg Harbor Watershed Association
Green Party of Monmouth County
Green Party of New Jersey
Highlands Business Partnership
Holly Club of Sea Girl
Hudson River Fishermen's Association
Jersey Shore Captains Association
Jersey Shore Parrot Head Club
Jersey Shore Running Club
Junior League of Monmouth County
Keypoint Environmental Commission
Kiwans Club of Monmouth
Kiwans Club of Shadow Lake Village
Leonardo Party & Pleasure Boat Association
Levando Tax Payers Association
Main Street Wildwood
Mantoloking Environmental Commission
Marine Trades Association of NJ
Monmouth Conservation Foundation
Monmouth County Association of Realtors
Monmouth County Audubon Society
Monmouth County Friends of Clearwater
National Coalition for Marine Conservation
Natural Resources Protective Association, NY
NJ Beach Buggy Association
NJ Commercial Fishermen's Association
NJ Environmental Federation
NJ Environmental Lobby
NJ Main Ship Owners Group
NJ Marine Education Association
NJ PIRG Citizen Lobby
Northampton Hunting & Fishing Club, NJ
NYC Sea Gypsies
NY State Marine Education Association
NY/NJ Baykeeper
Ocean Wreck Divers, NJ
PaddleOn.org
Piscataway Saltwater Sportsmen Club
Raritan Riverkeeper
Religious on Water
Riverside Drive Association
Rotary Club of Long Branch
Rotary District #7310-Interact
Saltwater Anglers of Bergen County
Sandy Hook Bay Anglers
Save Barnegat Bay
Save the Bays, NJ
SEAS Monmouth
Seaweeders Garden Club
Shark Research Institute
Shark River Cleanup Coalition
Shark River Surf Anglers
Shore Adventure Club
Sierra Club, NJ Shore Chapter
Sisters of Charity, Maris Stella
Sons of Ireland of Monmouth County
Scepticist Club of Cape May County
South Jersey Dive Club
South Monmouth Board of Realtors
Staten Island Tuna Club
Stachmere Fishing & Environmental Club
Surfers' Environmental Alliance
Sunrider Foundation, Jersey Shore Chapter
TACK 4, MA
Terra Nova Garden Club
Three Harbors Garden Club
Unitarian Universalist Congregation/Monm. Cnty.
United Boatmen of NY/NJ
Village Garden Club
Volunteer Friends of Boaters, NJ
WATERSHED
Women's Club of Brick Township
Women's Club of Keypoint
Women's Club of Long Branch
Women's Club of Merchantville
Women's Club of Spring Lake
Women Gardeners of Ridgewood
Zen Society



Ocean Advocacy
Since 1984

Clean Ocean Action

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Highlands, NJ 07732-0505

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Fax: 732-872-8041
Info@CleanOceanAction.org

September 19, 2012

Fort Monmouth Economic Revitalization Authority Board

Dear FMERA Board Members,

Thank you for your important work to revitalize the Fort Monmouth property.

Clean Ocean Action is very concerned about the proposed criteria for the FMERA staff advisory committees that was presented in a recent Asbury Park Press article (by Bill Bowman 9/17/2012). Unfortunately, the proposed criteria did not appear to be available on the FMERA website for review purposes.

The Board should not approve the proposed criteria as it limits public participation in the committees, sets an unacceptable precedent, and undermines democratic process. Indeed, these restrictive criteria may exclude participants that FMERA would like to include.

Moreover, the proposed criteria do not appear to address conflicts of interest. It is critical that there is a clear policy (and/or criteria) regarding conflicts of interest before criteria are approved to ensure integrity in the redevelopment process of Fort Monmouth.

Importantly because the criteria and the conflict of interest issues may restrict public participation, in the name of good governance more disclosure and public review is necessary before approval by the FMERA Board.

Finally, staff advisory committee meetings should be open to the public with agendas and meeting minutes made publicly available via the internet.

Sincerely,

Cindy Zipf
Executive Director

Cc: Congressman Rush Holt
Congressman Frank Pallone
Current FMERA Environmental Staff Advisory Committee

Draft Land Use Regulations and Development and Design Guidelines

- Comply with FMERA Statute:
 - FMERA's primary purpose is to implement the *Reuse and Redevelopment Plan* including adopting land use regulations and development and design guidelines in furtherance thereof
 - The Reuse Plan provides the framework for the regulations

Document Components

- Land Use Regulations
 - Definitions
 - Regulations on permitted uses, density, bulk, signage, parking
 - Site plan/subdivision standards (streets, lighting, utilities, landscaping, storm water management)
 - Land Use Procedures
- Development and Design Guidelines
 - Circulation network
 - Building placement
 - Building design
 - Sustainability

Land Use Regulations: Divides Fort into Development Districts Consistent with Reuse Plan

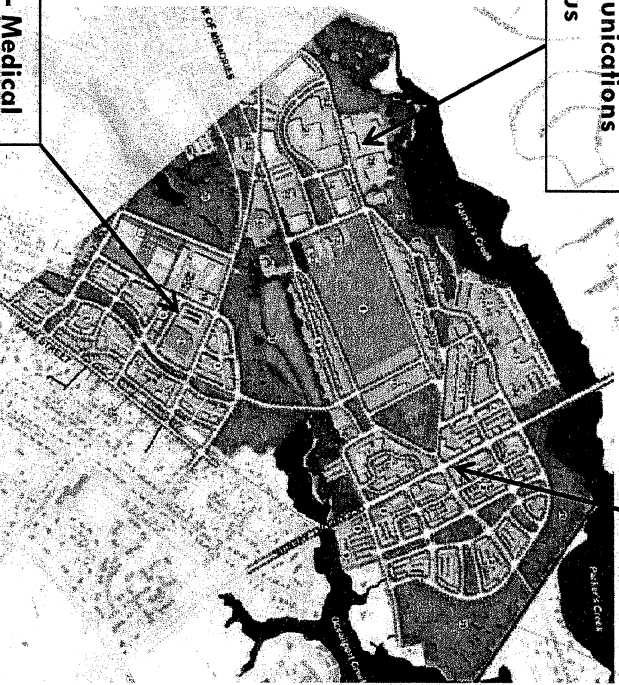
Reuse Plan:

Oceanport Reuse Area

Green Industry,
Technology &
Communications
Campus

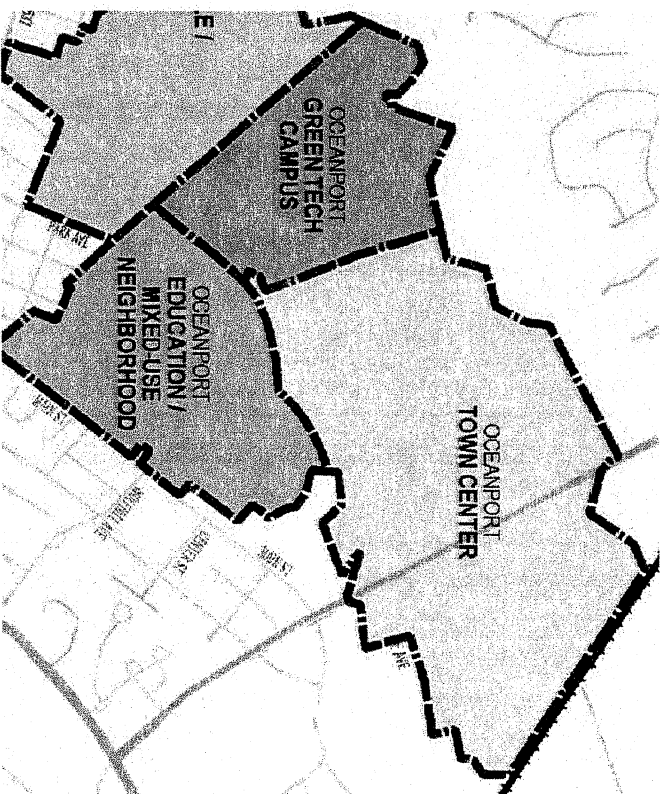
Oceanport
Neighborhood Center

Education- Medical
Campus Mixed-
Income Housing
Commissary Reuse



Land Use Regulations:

Development Districts in Oceanport



Development and Design Guidelines

Circulation

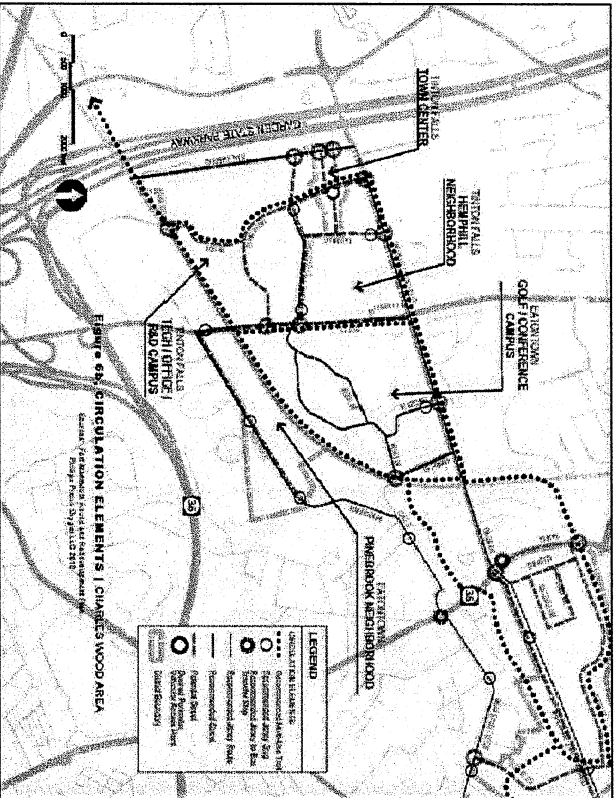


Figure 8A. CIRCULATION ELEMENTS | CHARLES WOOD AREA

Parks and Open Space

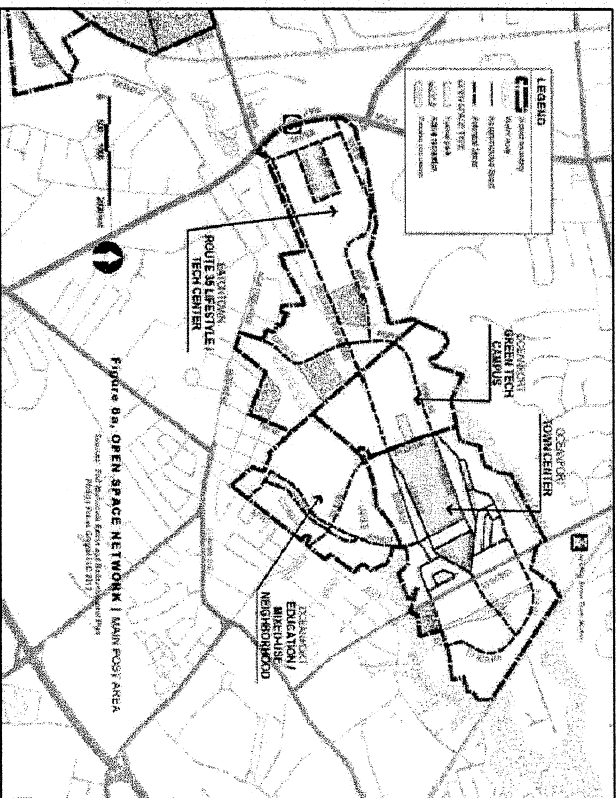


Figure 8B. OPEN SPACE NETWORK | MAIN PDS AREA



WHEREAS, *Caren S. Franzini has capably served the New Jersey Economic Development Authority (NJEDA) for over two decades; and*

WHEREAS, *Ms. Franzini was integral in the creation and development of the Fort Monmouth Economic Revitalization Authority (FMERA); and*

WHEREAS, *Ms. Franzini has served as a dedicated steward of both the NJEDA and FMERA; and*

WHEREAS, *Ms. Franzini's leadership has fostered a strong organization at FMERA that has seen the completion of a Phase 1 Economic Development Conveyance Agreement (EDC) with the U.S Army and has laid the foundation for a Phase 2 EDC Agreement; and*

WHEREAS, *with Ms. Franzini's continuous support FMERA is viewed nationally as having the potential to be one of the most successful base closure redevelopments; and now*

THEREFORE, *be it resolved that the Fort Monmouth Economic Revitalization Authority Board of Directors hereby thanks Caren S. Franzini for her unparalleled service to the Board. Her staff and colleagues extend their best wishes for future success and happiness.*

*James V. Gorman
Chairman of the Board*

ADOPTED
September 19, 2012

Resolution Regarding the
Approval of 2012 Meeting Dates and
Appointment of Three Directors of the Fort Monmouth Office to be Assistant Secretaries

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the Authority’s By-Laws provide that an annual reorganization meeting be held in September of each year;

THEREFORE, BE IT RESOLVED THAT:

1. The Authority approves the 2012 Meetings Dates, attached hereto.
2. The Authority approves the designation of the three Directors of the Fort Monmouth Office as Assistant Secretaries.
3. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT
Dated: September 19, 2012

EXHIBIT 1

ADOPTED
September 19, 2012

Resolution Regarding
Staff Advisory Committee Membership Criteria

WHEREAS, the Legislature enacted the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, the Authority has established four staff advisory committees: Environmental, Historical Preservation, Housing and Veterans; and

WHEREAS, these Committees (“Staff Advisory Committees” or “SAC”) are charged with making recommendations to staff on how best to move Fort Monmouth’s redevelopment effort forward within the context of their area of expertise, and

WHEREAS, while the SACs provide important insight and information to the staff for the benefit of the staff as it manages the issues associated with the redevelopment of the Fort property, there is no formal action taken at SAC meetings; and

WHEREAS, each SAC is chaired by a FMERA board member; and

WHEREAS, FMERA staff have worked with the SAC chairs to evaluate their respective Committee memberships to determine if the Committee composition should be altered as part of the Annual Meeting organization changes; and

WHEREAS, the objective is to ensure that FMERA has a knowledgeable and balanced SAC membership, capable of providing timely and sound advice to FMERA regarding the subject matter of the Committee; and

WHEREAS, to help satisfy this objective, FMERA staff have developed SAC membership criteria, which help to standardize and focus areas of experience and expertise requirements for prospective SAC members.

THEREFORE, BE IT RESOLVED THAT:

1. For the reasons expressed in the attached Board memorandum, the Authority approves the Staff Advisory Committee (SAC) membership criteria attached to the Board memorandum and authorizes the FMERA Executive Director and the SAC Chairs to fill the membership of each Committee accordingly.

2. This resolution shall take effect immediately, but no action authorized

herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

Dated: September 19, 2012

EXHIBIT 2

ADOPTED
September 19, 2012

Resolution Regarding
**Consideration of Approval of Request for Qualifications (RFQ)
for Appraisal Services Selections**

WHEREAS, Governor Christie signed the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, section 9 of the Act authorizes the Authority to issue Requests for Proposals and to retain consultants; and

WHEREAS, the Authority issued a Request for Qualifications (the “RFQ”) for Real Estate Appraisal Services on August 3, 2012, soliciting qualifications and supporting data from qualified firms interested in providing real estate appraisal services to facilitate the conveyance of Fort Monmouth property from the U.S. Army to the Authority as well as property transfer from the Authority to interested purchasers, on an as needed basis; and

WHEREAS, through this RFQ, the Authority sought to establish a pre-qualified pool of five (5) to ten (10) most highly qualified firms; and

WHEREAS, staff will issue a Request for Proposals (“RFP”) to each and all of the firms in the pool; each RFP will identify the property to be appraised, specify the Authority’s time and other requirements for completing the appraisal report; staff will award a contract to perform the appraisal to the lowest-priced timely responsible proposal; and

WHEREAS, the proposals were due on August 24, 2012, at which time nine proposals were received; and

WHEREAS, one proposal was found to be non-responsive and was not considered in the evaluation process; and

WHEREAS, the eight remaining proposals were scored by a team of three evaluators; and

WHEREAS, the Real Estate Committee has reviewed the RFQ evaluation process and recommends the top five scoring firms: Lasser Sussman Associates; Sterling DiSanto & Associates; Value Research Group; Gagliano & Company; and Federal Appraisal Consulting as FMERA’s pre-qualified pool of appraisal firms to the full Board of Directors for approval.

NOW, THEREFORE BE IT RESOLVED THAT:

1. As expressed in the attached memorandum, the Board of Directors approves the top five scoring firms: Lasser Sussman Associates; Sterling DiSanto & Associates; Value Research Group; Gagliano & Company; and Federal Appraisal Consulting as FMERA's pre-qualified pool of appraisal firms.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

DATED: September 19, 2012

EXHIBIT 3

ADOPTED
September 19, 2012

Resolution Regarding
Consideration of Approval of Award of Request for Proposals (RFP)
and Purchase-Sale Agreement with AcuteCare Health System (AcuteCare) for Clinic
Parcel

WHEREAS, Governor Christie signed the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, in August 2011, FMERA issued a Request for Proposals for the early lease of the Clinic, with an obligation to purchase, and received one qualified proposal from AcuteCare; and

WHEREAS, at the February 2012 meeting, the Members authorized staff to pursue negotiations for the lease and ultimate sale of the Clinic to AcuteCare, subject to adoption of a Reuse Plan amendment; and

WHEREAS, in May of this year, the Authority entered into an Economic Development Conveyance (“EDC”) Agreement with the Army for redevelopment of Phase 1 of the Fort. The EDC Agreement designated the Clinic a Phase 1 property available for conveyance to FMERA by deed or by interim lease; and

WHEREAS, FMERA’s initial discussions with AcuteCare contemplated that FMERA would enter into an interim lease with the Army and sub-lease the Clinic to AcuteCare to expedite the company’s renovations and occupancy; and

WHEREAS, the Army completed its review of the Clinic’s environmental condition and issued a draft Finding of Suitability to Transfer (“FOST”) for public review and comment last month. FMERA anticipates that the Clinic will be available for conveyance this fall, making an interim lease unnecessary; and

WHEREAS, at the August 2012 meeting, the Members approved the transmittal of proposed Reuse Plan Amendment #2 to the three host municipalities. Amendment #2 would permit an alternative development scenario in the Oceanport Reuse Area that, if pursued, would result in the reuse of the Clinic as a medical facility; and

WHEREAS, AcuteCare will pay \$2,733,300 for the property, reflecting the mid-point between MAI appraisals obtained by FMERA and AcuteCare; and

WHEREAS, AcuteCare will renovate the building, with AcuteCare commencing renovation work within 9 months of closing and completing the work within 36 months; and

WHEREAS, the purchaser will be obligated to invest \$5 million (\$3 million in equipment and \$2 million in renovations) and create 50 new jobs on the property within 3 years of receiving a certificate of occupancy; and

WHEREAS, in addition to purchaser's satisfactory completion of due diligence and other standard contingencies, the closing of title is contingent on AcuteCare: entering into a development agreement with Oceanport, if necessary; executing a developer agreement with Monmouth County, if off-site County road improvements are necessary; and determining that the proposed assessment and resulting tax levy are acceptable; and

WHEREAS, the closing is also subject to FMERA acquiring title from the Army; adopting Reuse Plan Amendment #2; and FMERA adopting Land Use Regulations for the Fort; and

WHEREAS, the Authority will convey the property to AcuteCare in as-is condition, but subject to the Army's on-going obligations under CERCLA to address any pre-existing contamination that may exist on the property; and

WHEREAS, the Real Estate Committee has reviewed the Purchase-Sale Agreement and recommends it to the full Board of Directors for approval.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Board of Directors approves the attached purchase-sale agreement with AcuteCare for the Clinic Parcel in the Oceanport Section of the former Fort Monmouth property on terms substantially consistent to those set forth in the attached Board memorandum and in the attached agreement, and with final terms acceptable to the Executive Director and the Attorney General's Office, and authorizes the Executive Director to execute the agreement and take all actions necessary to effectuate the agreement.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT
DATED: September 19, 2012

EXHIBIT 4

ADOPTED
September 19, 2012

Resolution Regarding
**Consideration of Approval of Planning, Engineering, Architectural, and
Environmental Service Contract Amendment**

WHEREAS, Governor Christie signed the Fort Monmouth Economic Revitalization Authority Act (“Act”), P.L. 2010, c. 51, to create the Fort Monmouth Economic Revitalization Authority (“FMERA” or “Authority”); and

WHEREAS, section 9 of the Act authorizes the Authority to issue Requests for Proposals (“RFP”) and to retain consultants; and

WHEREAS, the contract expired on August 18, 2012 after the Authority exercised its right to a one-year extension; and

WHEREAS, the contract includes provisions for providing environmental consulting services on a sole source basis; and

WHEREAS, due to the unforeseen decision to have a two phase Economic Development Conveyance (EDC) and the timing of these phases, FMERA requires the ongoing services of an environmental consultant to: identify, define, clarify and explain key environmental issues to the Authority; advise the Authority in the preparation of the Business Plan and the Economic Development Conveyance Application for Phase 2; advise the Authority in negotiations with the U.S. Army, State and local regulators, developers and others as requested; monitor implementation and progress of all remediation and mitigation activity on Fort Monmouth; review all environmental investigation and remediation work plans, technical memorandums and reports related to Fort Monmouth and provide summary observations, conclusions, and recommendations to the Authority as required; and

WHEREAS, FMERA seeks to continue the existing contract solely as to the environmental consulting services on a month to month basis until procurement of a replacement contract is completed; staff has begun development of an RFP for that purpose; and

WHEREAS, the contract amendment incorporates the total fee associated with this additional one-year extension, which is “not to exceed” \$120,000 and has been approved in the current budget, and other previously approved budgeted amounts; and

WHEREAS, the Office of Economic Adjustment has approved the funding of environmental services; and

WHEREAS, the Real Estate Committee has reviewed the contract amendment and recommends approval to the full Board of Directors.

NOW, THEREFORE BE IT RESOLVED THAT:

1. As expressed in the attached memorandum, the Board of Directors approves entering into the attached substantially final contract amendment to the Planning Engineering Architectural and Environmental Services Consultant Agreement with Matrix Design Group, dated August 18, 2010, which includes the extension of the term of the contract on a month to month basis for up to twelve (12) months effective August 18, 2012 for the environmental consulting services, with the final form subject to the approval of the Attorney General's Office and the Executive Director.

2. This resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays, and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 10-day period the Governor of the State of New Jersey shall approve the same, in which case such action shall become effective upon such approval, as provided by the Act.

ATTACHMENT

DATED: September 19, 2012

EXHIBIT 5